(175)

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1995/SR.56/Add.1
24 March 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 56th MEETING
(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Monday, 6 March 1995, at 6.30 p.m.

Chairman:	Mr. MEJIA SOLIS (Vice-Chairman)	(Nicaragua)
later:	Mr. MEGHLAOUI (Vice-Chairman)	(Algeria)

CONTENTS

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

* The summary record of the first part of the meeting appears as document E/CN.4/1995/SR.56.

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GE.95-12391 (E)

CONTENTS (continued)

(c) PROGRAMME FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (continued)

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(agenda item 24) (continued) (E/CN.4/1995/94-97, 106, 112, 127, 129, 135, 151; E/CN.4/1995/NGO/4, 15 and 43; A/49/478 and 643; E/CN.4/Sub.2/1994/34; CRC/C/29, 34, 36 and 37)

1. Mr. SANHUEZA (Chile) said that any reference to the rights of the child suggested the future, which could be assured by making appropriate social, political, economic and cultural investments in the children who one day would be in charge of society. That need to invest in children emerged clearly from the documents before the Commission, but they also showed that children constituted a vulnerable segment of society requiring protection and care.

2. Poverty, malnutrition, poor health care and lack of education seemed to be the main factors behind violations of children's rights. It was therefore indispensable to intensify national and international efforts to tackle those factors and above all to alleviate the effects of poverty. Since those effects were particularly severe among children in developing countries, international action to find a solution would demand the allocation of more resources for social development. His delegation was of the opinion that greater international solidarity together with a considerable reduction in military expenditure would help to generate and ensure the better distribution of the resources needed for the protection of children and their families.

3. On the subject of cooperation, his Government attached the greatest importance to the success of the international conferences convened by the United Nations to deal with political and social development problems at the highest level; the Copenhagen Summit was a particularly appropriate context for the discussion of such matters. His Government supported the efforts of the United Nations and the contribution of NGOs to ensure the protection of children, and regarded the Convention on the Rights of the Child as an ideal legal instrument enabling the international community to promote the cause of children. He noted, however, that its implementation called for political will on the part of all.

4. His Government welcomed the fact that the recommendation of the World Conference on Human Rights in Vienna that a study should be made of the question of raising the minimum age for recruitment in the armed forces was reflected in the draft optional protocol to the Convention. It also supported the creation of a working group to establish guidelines for an optional protocol on the sale of children, child prostitution and child pornography.

Furthermore, his delegation welcomed the study to be carried out by Mrs. Machel on the impact of armed conflict on children; while children were the victims of war, they could also become victimizers, and suffer irreparable psychological damage in either role.

5. Chile accorded the Convention, just like the other international human rights treaties it had signed and ratified, the same status as its Constitution. A national plan of action for children had been prepared, covering various aspects of the rights and problems of children, and the Government had submitted a periodic report to the Committee on the Rights of the Child describing the measures it had adopted to implement the Convention. However, the steady increase in the Committee's workload, owing to the universality being achieved by the Convention, could affect its efficiency; it might be advisable to consider increasing the number of its meetings.

6. His Government took the view that democracy was a vital element in efforts to protect the rights of the child; only in a fully democratic system could children enjoy their fundamental rights and freedoms and avoid the danger of the indoctrination which characterized totalitarian systems.

7. Mr. HAREL (France), said he was speaking on behalf of the European Union and of Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia, and paid tribute to the memory of the late Mr. James Grant, Executive Director of UNICEF, and his commitment to the cause of children.

8. Great progress had been made in promoting the rights of the child during the previous five years, thanks in particular to UNICEF, but also to the Committee on the Rights of the Child. The question was one of the most important discussed by the Commission, and the European Union hoped to be able to contribute to the more comprehensive implementation of the Convention on the Rights of the Child. That instrument had been a milestone in the development of a worldwide network of measures and standards for the protection of the rights of the child, and its rapid signature and ratification by a large number of States was encouraging evidence of the increasing interest of the international community in children, who were one of the most vulnerable groups of society as well as its future.

9. The European Union urged States which had not yet signed or ratified the Convention to do so as rapidly as possible and to withdraw any reservations they may have made. It also hoped that States would sign and ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, as a means of regulating movements of children for the purpose of adoption.

10. One of the most difficult subjects to deal with was that of child war victims. Over the previous 10 years, as a result of war, more than 1,500,000 children had been killed, 4 million had been injured and 5 million lived in refugee camps. The European Union therefore welcomed the study that was to be undertaken by Mrs. Machel on the impact of armed conflict on children and supported the efforts of the Working Group which was preparing a draft optional protocol to the Convention on the Rights of the Child.

11. The European Union was also concerned about the situation of street children, who were the youngest victims of poverty and social marginalization in many societies. Without education, care or homes they were liable to become trapped in a criminal environment which deprived them of their dignity and their fundamental rights. Acts of violence against those children were increasing to an alarming extent, and the European Union called on Governments to protect them, to prosecute any person involved in acts of violence against them, and to cooperate with international agencies such as ILO and UNICEF in seeking a solution to the problem. The work of the NGOs in that respect, as well as the approach they adopted, were worth bearing in mind.

12. The European Union condemned all forms of exploitation and traffic involving children, including the sale of children, child prostitution and child pornography, the consequences of which were catastrophic for them. It called upon all Governments to adopt national and international measures as a matter of urgency to eliminate such practices, and took note of the fact that a Working Group had prepared the outline of a draft optional protocol to the Convention on the Rights of the Child on the subject. It was important, moreover, that the standards already embodied in the Convention and the recommendations contained in the Programme of Action for the Prevention of the Sale of Children should be implemented.

13. The European Union was deeply concerned by the existence of legislation that could lead to excesses, such as the recent sentencing to death of an 11-year-old child in Pakistan, under the law on blasphemy. It hoped that steps would be taken to prevent that sort of thing in the future.

14. The European Union considered that, on the threshold of the twenty-first century, the economic exploitation of child labour in conditions resembling slavery could not be justified. In order to put an end to child labour, major structural reforms, which could have large-scale socio-economic consequences, were necessary in some cases. The rights of the child must be protected whatever the economic and social circumstances, and abusive practices, as well as child labour in dangerous environments, must cease. Education was one of the keys to dealing with the vicious circle of ignorance, illiteracy, unemployment and crime. The European Union accordingly appealed to all Governments to make every effort to ensure equality of opportunity for all children in education, which must be non-discriminatory, diversified and free; primary education should, furthermore, be compulsory. Investment in the education of children was, after all, investment in the long-term future.

15. No distinction should be made between girls and boys as regards the rights of the child. However, the situation of girls called for particular attention in view of the discrimination they often encountered in the social context. The attention paid in recent years to the situation of women had rarely included the question of girls, despite the fact that the strategies adopted at the Nairobi Conference recognized that they should have the same health care and access to education and the world of work. The European Union was particularly concerned that the sexual mutilation of young girls was still practised in several regions of the world since it constituted a violation of several international human rights instruments. The European Union supported projects that promoted the status of opportunities for girls.

16. Children from broken homes comprised a particularly vulnerable category; they were the main victims of failure to apply legal decisions concerning the care of children. In the worst instance, one of the parents might illegally abduct the child and the case could be dragged out for years in the courts. The European Union urged all States to sign and ratify the two international Conventions concerning the abduction of children.

17. NGOs played an extremely important role in ensuring respect for the rights of the child. Not only did they alert public opinion in the event of violations of those rights, but they promoted the social progress that was needed to improve the lot of the weakest members of society. The coordination of national and international economic programmes was therefore welcome in so far as economic ills were frequently behind the social problems which adversely affected the rights of the child.

18. The European Union attached great importance to the rights of the child both in developing and in industrialized countries, and the fact that it was not alone in doing so was proved by the large number of countries that had ratified the Convention. Implementation of the Convention was the only way of solving the problems of street children, prostitution and sexual exploitation of children, child labour, the involvement of children in armed conflict and the other abuses of which children were victims throughout the world.

19. Mr. Meghlaoui (Algeria), Vice-Chairman, took the Chair.

20. Mr. ELKARIB (Sudan) said that his country's commitment to the rights of the child was based on a long tradition and the conviction that investment in children was an investment in the future. The expression of the Sudan's concern took a number of forms: the President of the Sudan had taken part in the first Summit on the rights of the child in 1990; the Sudan had been one of the countries that had sponsored the idea of the Convention on the Rights of the Child; it had been the second Arab country to ratify the Convention without reservation; the rights of the child had been embodied in the Sudanese Constitution by a Presidential Decree of 1993; and the Minister of Justice had set up a Committee in 1993 to review all legislation concerning children.

21. In 1992, the Government of the Sudan had approved a national plan for child care - the fourth country in Africa to do so. The National Council for Child Care which had then been established had, in December 1993, organized a seminar with UNICEF, tracing Sudan's role in promoting the rights of the child; UNICEF had already highlighted Sudan's role in improving its system of vaccination to protect children, especially those affected by armed conflict.

22. He noted that only certain NGOs and the Special Rapporteur on the Sudan had ever referred to the allegations made by some western countries concerning violations of the rights of the child in the Sudan. It was true, however, that there were about 12,000 children in refugee camps in neighbouring countries, and he explained that they had been abducted by the rebel movement which had forced them into camps for military training. Some, however, had escaped to tell of their sufferings. His delegation was most concerned that children were being forced to engage in military activities against their own Government; it was reported that the practice was continuing despite the efforts of the United Nations High Commissioner for Refugees and the

International Committee of the Red Cross (ICRC). A committee comprising 17 Sudanese ministers had been set up to find means of improving conditions for those children, and it maintained contact with regional and international organizations in order to ensure their safe return to their families and their reintegration into society.

23. His Government reiterated its readiness to cooperate with the Committee on the Rights of the Child; it had submitted its initial report and hoped for a swift response in the form of financial and human resources so that it could tackle the tasks that awaited it. It was following closely the work of the Working Group on the optional protocol to the Convention on the Rights of the Child and welcomed the convening of a World Congress on Commercial Sexual Exploitation of Children in 1996.

24. Mr. RAVALOSON (Observer for Madagascar) said his delegation hoped that the Committee on the Rights of the Child would spend more time on problems relating to international cooperation among States, the specialized agencies and United Nations bodies, international organizations and non-governmental organizations, since such cooperation was essential if the sale of children was to be abolished.

25. It was in the developing countries and among the poorest strata of society that children suffered the most from the exploitation of child labour, and measures were needed to abolish the practice in the context of international development strategies. His delegation supported the proposals by some States concerning the social and administrative protection of children by legislative means, the establishment of a minimum working age, the regulation of work in enterprises, and compulsory education for children.

26. His Government was in favour of the drafting of an optional protocol to the Convention on the Rights of the Child, the implementation of international instruments concerning the rights of the child and the reinforcement of international cooperation in areas relating to the protection of children.

27. Since acceding to the Convention, the Government of Madagascar, in accordance with the Constitution, had taken various steps to protect and implement the rights of the child; they included bringing national legislation into line with the provisions of article 1 of the Convention, adapting school syllabuses to include questions concerning the Convention, passing a law on international adoption, and setting up an intersectoral committee on the follow-up and implementation of the Convention.

28. Yet legal instruments and principles had only a limited effect if the elementary rights of children were not respected. He noted in that connection that 48 per cent of Madagascar's children suffered from retarded growth; of that number 15 per cent experienced acute malnutrition and the infant mortality rate was extremely high. Promotion of the rights of the child also required international cooperation to provide the means to eradicate the impact of poverty on children; the rights of the child could not be separated from the general problem of underdevelopment.

29. Mrs. OGUN-BASSANI (United Nations Children's Fund) said that one of UNICEF's goals was universal ratification of the Convention on the Rights of

the Child; 170 nations were State parties to the Convention, 8 others had signed and only 13 had so far not felt able to express their commitment to children in that way. UNICEF was henceforth using the Convention as the framework for carrying out all its activities. As a direct result of the high ratification rate, the workload of the Committee on the Rights of the Child continued to increase steadily, and UNICEF constantly sought ways to help the Committee in its tasks

30. UNICEF wished to underscore the desirability of developing systems and mechanisms for implementing the provisions of the Convention as one means of facilitating compliance with obligations under that instrument. The 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which would enter into force on 1 May 1995, would constitute a significant tool for the effective implementation of several provisions of the Convention on the Rights of the Child; UNICEF strongly urged States which recognized the system of adoption to consider positively the ratification of that treaty. The Hague Conference had also begun the process of reviewing the 1961 Hague Convention on the Protection of Minors. UNICEF had decided to take part in the review process, given the potential importance of that Convention in promoting international cooperation and appropriate responses in situations where children found themselves outside their country of habitual residence and in need of protection and assistance.

31. UNICEF welcomed the appointment of Mrs. Machel to prepare the Expert Study on the impact of armed conflict on children, an issue which had been very much on the mind of the late Executive Director of UNICEF, Mr. Grant, in November 1994. UNICEF also welcomed the decision of the Commission on Human Rights to convene the Working Group on the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. During the drafting of the Convention on the Rights of the Child UNICEF had joined with ICRC and many NGOs in calling for the minimum age for recruitment to be set at 18; five years later, it remained convinced that that was a realistic and necessary objective.

32. Intolerable violations which often had devastating long-term consequences were the sale and the sexual exploitation of children. UNICEF wished to express appreciation to the outgoing Special Rapporteur and to pledge support to his successor. It welcomed the initiative of the NGO End Child Prostitution in Asian Tourism (ECPAT) to hold a World Congress on Commercial Sexual Exploitation of Children in 1996, in the hope that the meeting would give a significant boost to the international cooperation that was an essential part of any worthwhile effort in that sphere.

33. None of the information that UNICEF had been able to obtain provided reliable evidence confirming allegations of international trafficking in children's organs. It considered that in some cases a deliberate attempt was made to equate disappearances of children or trafficking for the purpose of intercountry adoption with the illegal use of those children as organ donors. UNICEF strongly supported the idea that a full and objective investigation should be carried out on all aspects of that issue, either to reveal the existence of such trafficking or to put a stop to the rumours.

34. Mr. BOREL (International Committee of the Red Cross) said that ICRC was trying, through protection of and assistance to the victims of armed conflicts, to improve the lot of children caught up in wars. The conflicts at present ravaging Afghanistan, Bosnia and Herzegovina and Liberia, revealed complete contempt for the most elementary humanitarian rules despite the fact that the protection of children in armed conflicts had been covered by legal provisions for decades and that the rules developed, for example, by ICRC had been embodied in the Geneva Conventions of 1949 and the 1977 Additional Protocols. Nevertheless, repeated violations of humanitarian rules, insecurity and the deterioration of essential community services resulted in massive civilian migrations. Studies of those refugee populations revealed that the infant mortality rate during armed conflicts was 5 to 12 times higher than in the country of origin.

35. For children, separation from their families or abandonment led to changes in their psycho-social behaviour; moreover, the fact that they had been exposed to armed violence throughout their childhood made them easy prey for recruitment into the armed forces. It was regrettable that the number of child recruits in the context of existing conflicts was increasing. International humanitarian law prohibited the participation of children under 15 in hostilities and yet children of under 12 were frequently found carrying arms and committing atrocities. A recent study published by the Henry Dunant Institute on child soldiers recommended specific measures to curb the participation of children in hostilities and provision had already been made for a plan of action comprising preventive activities and providing for the rehabilitation of children who were the victims of war.

36. ICRC supported the efforts being made with a view to the adoption of an optional protocol to the Convention on the Rights of the Child to forbid the recruitment and participation in hostilities of children under 18. It also wholeheartedly supported the study recently undertaken by the United Nations concerning the impact of armed conflict on children.

37. Greater commitment by the international community was essential if children in armed conflict were to be better protected. The humanitarian organizations could and should contribute to international efforts, but their resources were limited. Moreover, action should be taken to promote the education, health and care of abandoned children. If all parties concerned took the necessary preventive measures and observed existing rules to a greater extent, children would be better protected and their rights recognized.

38. Mr. SALMAN (Observer for Iraq) said that, as a result of the embargo imposed on Iraq since 1990, thousands of Iraqi children faced death from hunger and disease. Recent statistics confirmed that infant mortality had increased to 110,000 in 1994 alone, and continuation of the embargo had resulted in a severe shortage of vaccines and the suspension of mother and child health-care programmes. There had been sharp increases in diseases such as anaemia and related syndromes, as well as marasmus, while more than 1,700,000 children suffered from vitamin and calorie deficiency. The incidence of communicable diseases had also increased.

39. The continuation of the blockade had had a psychological, social and educational impact on families and children in Iraq. There was increased fear and anxiety as a result of the low level of children's performance at school and psychological disorders due to the sufferings of children in a family environment dominated by deprivation and frustration. Many children also had to work to create a source of income for their families, and school drop-outs already numbered 127,750.

40. The nutritional situation of children under five years of age was particularly alarming. There had been a sharp increase in cases of severe malnutrition and protein and calorie deficiency and the number of babies with low birth weights had increased dramatically. Children constituted a large proportion of Iraqi society so that when they were affected by malnutrition and increased mortality rates, the growth of Iraqi society ceased.

41. Some of the weapons used by the allies in the war against Iraq in 1991 had been tested on Iraq for the first time. They included non-conventional radiological weapons which had resulted in an alarming rise of leukaemia in children, the mass killing of people, pollution of areas outside the battlefield with toxic radioactive materials, and increases in the incidence of cancer, organ damage and abnormal births.

42. The imposition of the blockade against Iraq, without taking into consideration the fact that the prime victims were children, women and the elderly, was contrary to international human rights instruments, including the Vienna Declaration and Programme of Action. His Government appealed to the Commission to put an end to the continued violation of the right of the children to live in peace.

43. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that, in her organization's experience, children who had personally participated in armed conflicts had special assistance and rehabilitation needs. While international instruments were of vital importance for the protection of those children, the problem did not end with the legal aspects of their participation; those who survived faced long years of physical or psychological trauma. The consequences of being part of the military or taking an active part in atrocities affected children for years and might well affect future generations. Those suffering from psychological trauma needed direct counselling to find their way back into society, and there was often a need to prepare families and communities to receive and help the former child soldier and other children affected by conflicts.

44. The impact of armed conflicts on children included fear, loss of or threat to life, or the horror of witnessing the death of relatives. Other consequences for children included malnutrition, disability, psycho-social distress, separation from their families, torture, abuse and disruption of education.

45. The International Federation also wished to draw the Commission's attention to those who lived under sanctions. Increasingly, sanctions were implemented in such a way that vulnerable groups, such as children, were

affected and the magnitude of that impact was such that humanitarian aid, however carefully targeted, became totally inadequate. The humanitarian agencies needed more adequate means to operate in such a context.

46. The International Federation supported the principle of the non-participation of persons under the age of 18 together with the stipulation that it applied equally to government armed forces and armed opposition groups. It was important that the optional protocol should spell out the responsibility of all those using children as soldiers. The International Federation believed that children did not belong in combat and emphasized that they must not be allowed to become soldiers; only in that way could additional hardship and suffering be prevented among already vulnerable populations.

47. Mr. VFNERA (Czech Republic) said that children, owing to their vulnerability, were the first to suffer from violations of human rights. Poverty deprived them of the right to life and healthy developments, while disappearances, torture, armed conflicts, destitution and neglect violated their rights as human beings, deprived them of their childhood and endangered their future.

48. In the Czech Republic, the Convention on the Rights of the Child as an international human rights instrument was binding and prevailed over domestic law. Generally speaking, the situation of children in that country was satisfactory, as was existing legislation. Efforts to ensure factual and legal compatibility with the provisions of the Convention had been made at the governmental and the non-governmental level.

49. Following the liberalization of society after 1989, some problems had become more visible and others had emerged, including pornography, sexual abuse, alcoholism and the unchecked representation of violence in the media. At the institutional level, the problems of children were the responsibility of the Commission for the family and for the protection of the rights of children and women. NGOs played a major role in shaping public opinion and there was a clear trend towards cooperation between governmental and non-governmental institutions. At the legal level, respect for the best interests of the child had been instituted as a real criterion which must be a priority in any action concerning children taken by legislative, administration or judicial organs, or public or private social care institutions. Existing legislation, however, preferred the concept of the child as a mere object needing social protection and care; that was an incomplete approach and the principles of a new family law were being prepared, in accordance with the Convention on the Rights of the Child, in which the child would be regarded as a subject with a right to be consulted.

50. The Convention on the Rights of the Child embodied various crucial elements, but since the formulation of its provisions was very general and awareness of its existence somewhat limited, real progress required further political effort and concrete measures on the domestic and international level, such as the preparation of the two optional protocols concerning the most widespread violations of the rights of the child with the most serious consequences.

51. Mr. WONG (International Association for the Defence of Religious Liberty) said he wished to draw the Commission's attention to the worldwide problem of child prostitution. A report to the United Nations Working Group on Slavery estimated that one million children a year were forced into the sex market, while country reports and End Child Prostitution in Asian Tourism (ECPAT) calculated that there were hundreds of thousands of child prostitutes in Brazil, Viet Nam, Thailand, Taiwan, the Philippines and Sri Lanka. Child prostitution tended to be more widespread in Asia and Latin America, but alarming growth had been recorded in Africa, North America and Europe and experts had warned that the trend would increase. Faster communications and advances in technology had contributed to the internationalization of the sexual exploitation of children, videos being used to produce child pornography and computers to exchange information between paedophile networks.

52. Most countries had laws designed to protect children against sexual exploitation, as required by article 34 of the Convention on the Rights of the Child, but many Governments appeared indifferent to the problem. The former United Nations Special Rapporteur on child prostitution, Professor Muntarbhorn, had stated that, in many instances, sexual exploitation was not the result of poverty but of criminality; extensive criminal networks sold and conducted traffic in women and children. The lack of proper law enforcement in countries such as the Philippines and Thailand had failed to address the issue of criminality and had served to fuel the problem of child prostitution. Courageous individuals, such as Father Cullen in the Philippines, offered hope for change but were frequently under pressure from local vested interests in the sex-slave market.

53. The International Association urged the United Nations to give immediate priority to the elimination of child prostitution; to devote more resources to the issue, including assistance to appropriate countries; to implement programmes to combat child prostitution; to create practical mechanisms for ensuring accession by States parties to the United Nations Convention on the Rights of the Child; to focus international pressure on countries which failed to take urgent and effective action against child prostitution; and to make the global community aware that the sexual exploitation of children was a crime against humanity.

54. Mr. TORRA I MIRO (Pax Romana) said that in recent years the sale of children, child prostitution and child pornography had become commonplace. They were especially prevalent in Asia, where practices harmful to children occurred in countries which had ratified the Convention, such as Nepal. Poverty and socio-economic deprivation caused the disintegration of the family, exposing children to all types of systems of exploitation, and ancient traditions, such as the caste system, aggravated the situation. For that reason, a policy to prevent the exploitation of children should have a strong impact on the causes of underdevelopment, poverty and marginalization. Many developing countries had indicated their concern at the difficulty of protecting the rights of the child in such economic and social conditions (E/CN.4/1994/WG.14/CRP.3).

55. Despite the Commission's efforts, the situation was far from ideal, and the preventive measures recommended in Commission resolution 1992/74 lacked real effectiveness and were not binding on States parties.

56. He would like to suggest a series of measures aimed at reducing such unlawful practices. First, efforts should be made to ensure the ratification of existing international instruments on the rights of the child, such as the Convention on the Rights of the Child and the Hague Convention on International Adoption. Second, regional and international cooperation were essential as the traffic in children was international. An example was the South Asian Association for Regional Cooperation, whose goals were human development and reduction of poverty. Third, the role of local and international NGOs should be strengthened, as emphasized by the Special Rapporteur in his 1993 report and in the Note by the High Commissioner for Human Rights (E/CN.4/1995/5). Fourth, it was essential that the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography should be drawn up - and he was concerned at the opposition of certain States to the adoption of the protocol when it was obvious that the Convention was continually being violated.

57. In his view, the following guidelines should be borne in mind in the preparation of the protocol: 1. It should encourage cooperation among the various United Nations agencies and bodies; 2. It should provide a basis for greater regional and international cooperation between States parties at the level of information flows, police investigation and judicial monitoring and punishment; 3. Emphasis should be placed on bringing domestic legislation into line with the Convention; 4. States should adopt an effective registration system for children, in accordance with article 7 of the Convention; 5. A universal criminal court should be established, as extradition treaties were not sufficient; 6. The role of the Committee on the Rights of the Child should be strengthened; and 7. Protection against the traffic in children's organs should be explicitly provided for in the body of the protocol and not left to interpretation, as had been suggested at the latest meeting of the Working Group.

58. Ms. LACOURT (International Federation Terre des Hommes) said that when the Federal Republic of Germany had ratified the Convention on the Rights of the Child, it had entered reservations to article 22 that asserted the German Government's right to enact legislation that might not necessarily be in accordance with the Convention. She was referring in particular to the rights of refugee minors. On 1 July 1993 various amendments to German legislation had come into force, none of which had paid heed to the need of unaccompanied refugee minors for protection and aid, as was clear from the following two examples.

59. First, according to article 16 (a), paragraph 2 of the Basic Law and paragraphs 18 and 26 (a) of the Law on Asylum, any foreigner approaching State border authorities from a safe third State and requesting asylum would be denied permission to enter the country. The second sentence of paragraph 68 of the Law on Asylum specified that that ruling also applied to minors, despite the fact that minors under 16 could not by law apply for asylum. Border authorities examined neither the reasons nor the mental or physical condition of a person fleeing nor, in the case of minors, whether the needed care would be provided by a child welfare agency.

60. Second, according to paragraphs 18 (a) and 29 (a) of the Law on Asylum, foreigners seeking asylum who entered the country by plane from a "safe country of origin" or arriving without a passport were accommodated at the airport and their cases were processed within two days. No exceptions were made for unaccompanied refugee minors, despite possible trauma, disorientation or lack of understanding. There was no guarantee they would receive a fair hearing or appropriate accommodation for their age. Many were simply put on the next flight to their country of origin, in contravention of articles 20 and 22 of the Convention.

61. According to new paragraphs 10 and 15 of the Law on Asylum, unaccompanied refugee minors, even under the age of 16, must comply with strict regulations governing the hearing procedures, failing which their application might be invalidated. No account was taken of minors' ignorance, inexperience or nervousness when dealing with law or government officials. The result was deportation, again in contravention of articles 20 and 22. Lastly, those articles were often contravened by the local authorities. In several German cities minors had been handcuffed and jailed with adults, detained by municipal services or denied normal social service assistance. In Hamburg alone nearly 100 unaccompanied refugee minors lived on the streets because they lacked accommodation.

62. She asked the Commission to consider the following proposals: 1. The German authorities should be asked to modify the present Law on Asylum to exclude all refugee minors under 18; 2. Local city or State administration authorities should be compelled by law to guarantee that no foreign minors would be expelled if it was verified that care, schooling and follow-up would not be provided to them in their cities of origin until adulthood, and all States members of the European Union should apply the same principles of protection for refugee minors in their legislation on asylum.

63. Mr. CUNNIAH (International Confederation of Free Trade Unions) said it was gratifying to note that so many States had acceded to the Convention, but regretted that the large number of reservations on a number of articles prevented that support from being translated into a strong commitment. Few human rights abuses were so unanimously condemned, while being so universally practised, as child labour. That silent and tragic emergency concerned from 100 to 200 million children between the ages of 3 and 15 working in exploitive conditions harmful to their physical, mental and moral development, in violation of national laws and international standards.

64. The adoption of the Convention in 1989 had raised hopes for changes in national legislation and practice. Unfortunately, achievements in the twentieth century in terms of the adoption of international human rights standards appeared to be offset by an increase in the number of abuses of human rights, including children's rights.

65. International trade union action against child labour had been long overdue when ICFTU had launched its campaign in 1994, as a complement to the ILO International Programme on the Elimination of Child Labour established in 1991. The abolition of child labour was one of ILO's basic objectives, yet only 46 countries had ratified the ILO Minimum Age Convention (No. 138) which had come into force nearly two decades before. If United Nations

Member States were genuinely committed to protecting children from economic exploitation, why had only 46 of them ratified ILO Convention No. 138? The reluctance of Member States to ratify and implement such basic ILO human rights conventions had led ICFTU to demand the introduction of a social clause in international trade agreements. The immediate objectives of its campaign were to promote the ratification and observance of ILO Convention No. 138 and the adoption of multilateral and unilateral instruments aimed at discouraging and stopping trade in goods produced by children.

66. In that context several activities had been organized by ICFTU and its affiliates to increase community awareness of child labour and induce Governments to take steps to protect children against exploitation by unscrupulous and greedy employers. The country hosting the United Nations Social Summit, namely Denmark, had itself not ratified ILO Convention No. 138. The ICFTU affiliate, the LO Denmark, had held a seminar on child labour on 26 February and set up a national campaign committee to look into the matter. As part of the campaign several companies, including IKEA and C & A, were being pressured to sign codes of conduct banning the sale of goods manufactured by children. On 11 January, the first carpets bearing the Rugmark label had been presented in Bonn with the support of the ICFTU affiliate, the DGB and others. The Rugmark Foundation offered manufacturers the possibility of using its logo against payment of a fee provided that the following conditions were met: no illegal child labour, payment of the legal minimum wage to adults and regular school attendance by children operating family looms.

67. On 14 January, the Zambia Congress of Trade Unions had held a conference in Lusaka and called for the introduction of free and compulsory primary education as a means of combating child labour. In Colombia, CUT and CTC had held a seminar to discuss the plight of thousands of children working in quarries and coal mines. CUT Peru was holding a seminar that very week to examine the problems of children working as street vendors and the use of child slaves in gold mining in the Amazon region. In 1994 the Government of the United Arab Emirates had promised to take action to stop the use of children as camel jockeys, but his organization had reason to believe that the practice continued. He strongly urged the Government of the United Arab Emirates to enforce regulations to put an end to that outrageous practice.

68. Ms. BRETT (Friends World Committee for Consultation), also speaking on behalf of the International Save the Children Alliance, said that in resolution 1994/91 the Commission had established a Working Group to draft an optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. Her organization welcomed that decision and had provided comments on the progress of the working group in document E/CN.4/1994/NGO/4. In the working group, the over 100 human rights and humanitarian organizations belonging to the NGO Group for the Convention on the Rights of the Child and the International Council of Voluntary Agencies, including the group she represented, had spoken with a united voice in favour of setting a minimum age of 18 years for participation in any form of hostilities and for recruitment into any armed forces or groups, whether compulsory or voluntary. That strong, united position came from experience in all regions of the world of the damage done to children by involvement in hostilities.

69. Quantification of physical damage was fairly easy, but harder in the case of degrees of emotional and psychological damage. Some of the most obvious psychological damage occurred when children were coerced into joining armed forces and made to kill and commit atrocities, sometimes against their own families. Most children serving in armed forces or groups were said to be volunteers. In reality, the degree of voluntariness varied considerably, and there were many subtle forms of coercion.

70. Efforts to raise the minimum age of participation from 15 to 18 years reflected not only the conviction that those in that age group should not be involved in armed conflict but also the need for greater protection for children under 15. It was often difficult to establish the precise age of a young recruit. The physical difference between a boy of 12 years and one of 15 might not be great, but that between a 12-year-old and an 18-year-old was sufficient to avoid confusion.

71. Whether participation was forced or voluntary, the results tended to be the same. The children often learned to kill, maim, rape and torture. When the time came to live in peace, what skills would they have? How could they make up for the lost schooling, the mental, emotional and physical injuries from which many of them suffered? For each child, involvement in armed conflict might be a tragedy leaving life-long physical, emotional or social damage for those who survived. On a more general level, what kind of society would be produced if the next generation were taught to kill, to commit atrocities, to get what it wanted by force of arms? Fifty years earlier, the United Nations had been founded "to save succeeding generations from the scourge of war". The first step towards that goal was to reaffirm the importance of protecting all children everywhere from involvement in armed conflicts.

72. Ms. SPALDING (International Association of Educators for World Peace) expressed appreciation of the work of the outgoing Special Rapporteur on the sale of children. Contrary to misinformation circulating to the effect that the Special Rapporteur's resignation had been due to failure to find evidence of a market for children's organs, the report itself (A/49/85) stated that there was mounting evidence of such a market. Furthermore, the Centre for Human Rights had confirmed that the Special Rapporteur had resigned in order to stand for election to the Committee on the Rights of the Child and attend to other personal matters. IAEWP had asked for a full investigation the previous year, and it supported UNICEF's continuing call for an inquiry. It welcomed the appointment of the new Special Rapporteur and pledged her its support, especially in the very difficult ongoing study of trafficking in human body parts.

73. IAEWP had been particularly impressed by the personal commitment to wide-reaching practical change of Ms. Machel, the expert on the impact on children of armed conflict. It was encouraging to note that Ms. Machel would address concerns about that increasingly disturbing issue dealt with in Study Series 6, "Human rights and disability".

74. Efforts to establish a positive incentive system to establish better labour standards for working children under the age of 15, were continuing and the meeting with Gabriele Stoikov, Programme Manager of the International

Programme on the Elimination of Child Labour at the ILO, had been particularly encouraging. The goal should be to establish a reverse Kalifa listing (PROCEED) providing incentives to those businesses that clearly demonstrated inclusion of the "human rights factor" in their business plans and practices, including the area of child labour.

75. Lastly, she wished to pay tribute to assistance provided by the Geneva Youth Forum, sponsored by the Republic and Canton of Geneva in 1995. Thanks to the cooperation of the Geneva and Swiss United Nations Fiftieth Committee and a host of NGOs and individuals, the work done by the Commission on items 24 and 26 would be further studied worldwide by young people, and brought into focus by a delegation of young people themselves at the Sub-Commission on Prevention of Discrimination and Protection of Minorities in Geneva in August 1995.

76. Ms. BLOEM (World Federation of Methodist Women) said she was speaking on behalf of 40 international NGOs, many of which were members of NGO working groups on the girl child in Geneva and New York. She drew the attention of the Commission to the fact that many of the problems of women's inequality arose from discrimination against them when they were girls.

77. **Trafficking in Humans: Big Business in Europe** had been a leading headline in the International Herald Tribune of 3 January 1995, and the article itself had referred to huge profits and light penalties for organized crime, which exploited women and girls in underground activities.

78. Trafficking in girls from Cambodia, China, Laos and Myanmar for purposes of prostitution had been going on for some time, and there was also widespread trafficking in girls sold as domestic labour. One such girl, abducted near her home to be sold in another Asian country, had been abused by the men of the household and by the police, and was eventually released on bail to those who had originally abducted her.

79. Sex syndicates held out promises of high-paying jobs to persuade poor mothers to allow their daughters to go to the cities, where they were sold to prostitution dens. Recent reports from Thailand indicated that sex traffickers even used computer networks to exchange photos of young girls with other traffickers throughout the world.

80. As a means of increasing public awareness of the problem and to express concern that citizens of affluent countries engaged in sex tourism, British members of the World Federation of Methodist Women had collected 90,000 signatures in June 1994 for a petition requesting the United Kingdom Government to change legislation on the prosecution of nationals engaging in child abuse abroad. In view of the urgent need for action at the national level, she welcomed paragraph 19 of Sub-Commission resolution 1994/5, to the effect that Governments should adopt legislation to punish their citizens who made use of sex tourism when it involved child prostitution and child pornography.

81. Girls were also abused in refugee camps, and in one camp in Africa an average of 26 cases of rape per month had been reported in 1993.

82. Discrimination against girls occurred in all regions of the world, even where there was apparent equality; for example, a study of girls in public schools in the United States had revealed that girls did not fare as well as boys.

83. The World Conference on Human Rights had recognized that the human rights of women and girls were an integral part of universal human rights and urged States to undertake measures to give girls equal treatment and opportunities from the very beginning.

84. The recent Seminar on Traditional Practices affecting the Health of Women and Children in Sri Lanka had shown that girls did not live in a "nurturing cultural and social context". In many countries girls lived at risk of dying through infanticide; not even being born because of gender selective abortions; being abused and neglected because of son preference, and being denied adequate nutrition; being sexually mutilated; being trapped into early marriage, child pregnancy and dangerous delivery practices and suffering practices such as wife-burning and dowry-related violence. The Seminar had recognized that those circumstances were not new, but continued to be a threat to girls because of the lack of political will on the part of many States and the failure to inform and educate the family, public opinion, legislators and educators, religious leaders and the media. She therefore welcomed the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1) and wished to highlight the recommendation that Governments should mobilize all educational institutions and the media to change negative attitudes towards the female gender.

85. She welcomed the extension of the mandate of the Special Rapporteur on traditional practices and recommended that the Special Rapporteur on violence against women, whose preliminary report was highly appreciated, should pay greater attention to violence against the girl child. In that context she deeply regretted the resignation of the Special Rapporteur on the sale of children, child prostitution and child pornography, and hoped that his successor would be provided with sufficient resources.

86. Ms. TOLEDO (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that her Federation believed that the ongoing struggle to claim the right of children of disappeared detainees to an identity could not be separated from the general situation of children throughout the world, especially in Latin America and the Caribbean. UNICEF's annual report for 1994 provided the background to that problem throughout the world: population growth rates; poverty; illiteracy; diseases such as AIDS and malaria; political and economic transition processes; structural readjustment programmes based on reductions of social spending, mass dismissals and low salaries; wars and natural disasters experienced by today's children lived, with very high mortality rates among those under five years of age and increasing numbers of children in armed conflicts, refugee children and street children.

87. The figures for Latin America and the Caribbean spoke for themselves: 46 per cent of the population, 42 per cent of whom were children under 18 years of age, lived in extreme poverty. Every year

1 million children under five years of age died of preventable diseases, there were 7 million malnourished children, 30 million working children and 15 million children living in the street. In addition, 21,000 women died from complications due to pregnancy, childbirth or illegal abortions each year.

88. At the end of the twentieth century, the challenge of humanizing the world implied the need for going beyond legal texts to implement concrete plans of action to make human rights a reality. The extent of that challenge was suggested by the fact that the marked trend towards universalization of the Convention was being offset by structural adjustment programmes, which made children one of their main victims. The reservations entered by many Governments when ratifying the Convention often distorted its goals and purposes and contravened other international standards. She therefore called on Governments to withdraw their reservations in order to preserve the spirit of the Convention.

89. Mr. SCHONVELD (World Organization against Torture) said that articles 40 and 37 of the Convention were very clear in their rejection of any kind of violence against children. In Latin America, however, despite Governments' efforts, the military and police were able to act with impunity. Torture and abuses of children in detention were common throughout the continent and, according to various sources, 2,600 children had been assassinated in Colombia between 1993 and 1994. In Asia abuses of children, including torture, were widespread, and in Egypt children as young as 12 were reported to have been tortured. While he fully appreciated the complexities of the difficulties those Governments faced, their responsibilities under the Convention were clear.

90. A global source of violation of the rights of children was the existence of millions of street children, and a serious problem in Latin America was the role played by the authorities in tacitly sanctioning actions by other groups.

91. In Brazil, despite the Government's efforts, the situation continued to deteriorate. In the name of social cleansing, the street children of Guatemala, Colombia and many other countries faced a daily threat from agents of the State or private security companies, in violation of their right to life. Action must be taken: long-term economic measures should be adopted and further initiatives by international institutions should be encouraged. There was also a need for further statistical documentation of the problem.

92. The effect of war on children was particularly grave. If forced to fight in either the army or paramilitary groups, children suffered and learned extreme brutality which led to almost irreparable psychological damage. The largest number of cases were reported from Africa. In Liberia, UNICEF estimated that 30 per cent of soldiers were minors, and in Angola, Mozambique and the Sudan abuses on all sides were well documented and clearly in breach of those countries' obligations. Elsewhere, in Bosnia, Chechnya, Colombia, Peru, the Philippines and Yugoslavia, children had lost all their rights. He urged the Commission to support the work of the Working Group and all Member States to ensure the rapid adoption of the optional protocol.

93. The link between economics and those particularly unpleasant violations of human rights was underlined by the collapse and continued instability of

the Mexican peso. Developing countries as a group were more indebted than they had been at any time during the debt crisis of the 1980s. The result was cuts in social programmes for children. He urged the Commission to support the efforts being made by the Secretary-General to establish a system of economic security and to consider the possibility of extended financing for children's projects.

94. The Reverend SANJOY (Pax Christi International) said that ratification of the Convention by many countries had little to do with the political will to improve children's conditions.

95. The main victims were children belonging to indigenous groups, who suffered discrimination and moral degradation and had little access to education and other basic facilities. Many lived in militarized homelands and were the victims of internal displacement and mass exodus, and traumatized by army atrocities and torture. He cited as an example the Jumma refugee children, who had returned to the Chittagong Hill Tracts in February 1994 and July 1995. The Government had done nothing to improve their condition, and since most of the returnee families had been unable to return to their traditional villages, the children could not go to school or buy books. Since the land belonging to their families had been grabbed by illegal settlers with the help of the military authorities, many of the returnee Jumma refugee children had suffered starvation and malnutrition. The returnees had been given rations for only six months, hunger was spreading through the returnee camps, and humanitarian organizations had been denied access to them. His organization therefore called upon the Commission to urge the Bangladesh Government to allow the thematic special rapporteurs to visit the Chittagong Hill Tracts.

96. Mr. HASHMI (Pakistan), speaking in exercise of the right of reply, said that he had listened with interest to the statements made about his country and appreciated the fact that they had acknowledged the independence and impartiality of the judiciary and due process of law in Pakistan. He would like to note, however, that the courts in Pakistan, like those in any other democratic country, were free and that cases were decided in accordance with the law of the land. The laws were enacted by democratically-elected representatives and could be amended only through a legislative process which he was proud to say was practised in his country. He reiterated the commitment of the Government of Pakistan to uphold the rule of law and to establish a liberal, moderate, tolerant and progressive society.

The meeting rose at midnight.